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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/867,697	05/31/2001	Kang-hun Lee	1293.1202	6206
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21171 7590 12/28/2004

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WASHINGTON, DC 20005

EXAMINER
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NGUYEN, KIMBERLY D

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/867,697	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Kimberly D. Nguyen	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 20 October 2004.
- 2a)  This action is **FINAL**.                      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 1-34 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 3-7 and 9-34 is/are allowed.
- 6)  Claim(s) 1, 2 and 8 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \*    c)  None of:
    - 1.  Certified copies of the priority documents have been received.
    - 2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/7/04.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_

## DETAILED ACTION

### *Amendment*

1. Acknowledgement is made of Amendment filed 20 October 2004.

### *Claim Objections*

2. Claims 9, 20 are objected to because of the following informalities:

Re claim 9, line 4: "the message" lacks of antecedent basis and should be replaced with "a message".

Re claim 20, line 6: "the message" lacks of antecedent basis and should be replaced with "a message".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina (JP10-138667) in view of Moreno (US 4,007,355).

Re claims 1-2: Yamashina teaches a trading card 1 communicating with recording and/or reproducing units (fig. 10) to receive messages from a subject printed on the trading card, the trading card comprising:

a data storage unit 2 storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording

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and/or reproducing units (fig. 10) in the form of an optical or radio signal to simultaneously reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units (abstract; figs. 1-11; paragraphs 9, 13-16, 50-57).

Although, Yamashina teaches the data storage unit receives a command from the recording and/or reproducing units to reproduce/display image information (see paragraph 56). Yamashina fails to teach or fairly suggest that the recording and/or reproducing units record the subject-related data stored in the recording and/or reproducing units onto the trading card.

Moreno teaches a recording and/or reproducing units (i.e., the data recording device) record/writing (i.e., means for recording the data contents of the memory in the portable electronic device which is coupled with the said reading means; see col. 2, lines 5-7) the subject-related data stored in the recording and/or reproducing units onto the trading/payment card (col. 1, line 68 through col. 2, line 6; col. 3, lines 40-68; col. 10, line 60 through col. 11, line 35).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the recording/writing functionality into the smart card/reader system in order to provide up-to-data to the trading/payment card.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamashina in view of Raasch et al. (US 5,956,877; hereinafter "Raasch").

Yamashina teaches a system, comprising subject-related data stored in the trading cards, and transmitting the subject-related data, wherein the subject-related data comprises moving pictures; and a recording and/or reproducing apparatus receiving the subject-related data and processing to reproduce the moving pictures via a display unit (abstract; figs. 1-11; paragraphs 50-57).

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Yamashina fails to teach or fairly suggest the moving pictures arranged in a sequence using serial numbers, and sequentially reproduce the moving pictures via a display unit.

Raasch teaches a continuous strip of frame images are arranged in related sequence by using security indicia, serial number, limited edition number, or combinations thereof (col. 4, lines 14-39; and col. 12, lines 51-58).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate moving pictures arranged in sequence using serial number as taught by Raasch to the teachings of Yamashina in order to keep track of the pictures/images by their serial numbers to further provide a capability to display a desired picture/image instantly by its serial number or to sequentially display the pictures/images on the display unit.

*Allowable Subject Matter*

3. Claims 3-7 and 9-34 are allowed.
4. The following is an examiner's statement of reasons for allowance:

The record of prior art fails to teach a trading card communicating with a recording and/or reproducing unit to receive messages from a subject printed on the card, the trading card including a data storage unit receiving a recording command from the recording and/or reproducing unit to record and store the subject-related data stored in the recording and/or reproducing unit from the subject; and a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

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Yamashina teaches a trading card communicating with recording and/or reproducing units to receive messages from a subject printed on the trading card, the trading card comprising a data storage unit storing subject-related data of the subject printed on the trading card, wherein the data storage unit reproduces and transmits the subject-related data to the recording and/or reproducing units in the form of an optical or radio signal to simultaneously reproduce the subject-related data of the subject printed on the trading card in the recording and/or reproducing units.

Moreno teaches a recording and/or reproducing units record/writing the subject-related data stored in the recording and/or reproducing units onto the trading/payment card.

Pace teaches a trading card system having a floppy disk, wherein the housing has a unique serial number to identify the floppy disk.

However, Yamashina, Moreno, and Pace, taken alone or in combination thereof, fails to specifically teach a trading card having a housing unit containing and protecting the data storage unit, wherein the housing unit comprises a serial number identifying the trading card, and the messages are based on recorded user-related information and are built by implementing the user-related data into the subject-related data.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Response to Arguments*

5. Applicants' arguments filed 20 October 2004 have been fully considered but they are not persuasive.

6. In response to Applicants' argument that "Thus, in Yamashina, the interpreted corresponding "data storage unit" does not receive any commands from a recording and/or reproducing apparatus. There is no disclosed or suggested device in the trading card/CD combination of Yamashina that would enable the same to perform such reception of commands or reproduction of information stored on the CD." (see page 3, lines 7-11 of 2<sup>nd</sup> paragraph), the Examiner respectfully submits that "If an operator commands a reproduction of information recorded by the trading card 1 using the reading apparatus 7 here, the reading apparatus 7 irradiates a laser light to recording layer 1b of the trading card 1, and reads out the content of recording to it" (see Yamashina, paragraph 56), that is, the trading-card/data-storage-unit receives the operator command through the recording and/or reproducing unit 7, which serves as the trading-card/data-storage-unit receives the commands from the recording and/or reproducing unit 7.

7. In response to Applicants' argument that "However, this rationale would appear to be improper, i.e., the recited motivation to add the claimed element is for Yamashina to include the claimed element. The Office Action sets forth features disclosed by Moreno and then concludes the same would be modifiable into Yamashina since Yamashina would then have those features. It is respectfully submitted that this is not proper motivation." (see page 3, last 2 lines through page 4, lines 1-3) and "Lastly, it is respectfully submitted that the proffered combination would not have been obvious without the knowledge and disclosure presented in the present

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application. Yamashina discloses only a CD mated with a trading card. Moreno sets forth a smart card for cash transactions..." (see page 4, lines 13-19), the Examiner respectfully requests Applicants to further review Yamashina. Yamashina teaches that it is desirable to use a CD-ROM or DVD for his invention, "however, it does not restrict to these recording media, and all optical recording media, such as MO (magnet-optical-disc) and MD (mini-disc), are included" (paragraph 13). Therefore, it would have been obvious to an artisan to incorporate the recording/writing functionality into the smart/trading card system in order to provide/write up-to-date data into the trading/payment card.

#### *Conclusion*

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D. Nguyen whose telephone number is 571-272-2402. The examiner can normally be reached on Monday-Friday 7:30-4:30.



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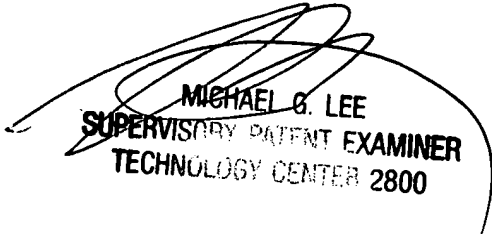
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KDN

14 December 2004



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